



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Board of Adjustment Members

FROM: Paul Body, Senior Planner

Thru: Jeffrey Ball, AICP, Planning & Zoning Manager

SUBJECT: Variance Staff Comments for Wednesday, October 16, 2024

DATE: September 25, 2024

DISTRICT 2

(24V00031) Thomas & Meredith DiVita request variances of Chapter 62, Article VI, Brevard County Code, 1.) Section 62-1339(5)(b), to permit a variance of 3 ft. from the required 5 ft. separation distance of an accessory structure from a principal structure; 2.) Section 62-1339(5)(b), to permit a variance of 5 ft. from the required 10 ft. rear setback for an accessory structure in an EU (Estate Use) zoning classification. This request represents the applicants' request to legitimize an existing accessory structure (pool cabana) built without a building permit. A building permit has not yet been applied for. The applicants state that with their lot size and easements the accessory structure's placement is the only location option. The applicants also state that the accessory structure does not encroach on the side yard setback that would affect their neighbors. The first request equates to an 60% deviation to what the code allows. The second request equates to an 50% deviation to what the code allows. There are no variances to the accessory setback and spacing requirement in the immediate area. There is a code enforcement action (24CE-00026) pending with the Brevard County Planning and Development Department. If the Board approves the variance, it may want to limit its approval as depicted on the survey provided by the applicant with a date of 4/8/2024.